

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

CHASTITY PACTWA,)	
)	
Plaintiff,)	
)	
v.)	No.: 3:08-CV-184
)	(VARLAN/GUYTON)
UNITED STATES OFFICE OF)	
PERSONNEL MANAGEMENT OFFICE)	
OF FEDERAL EMPLOYEES' GROUP)	
LIFE INSURANCE and FEDERAL)	
EMPLOYEES' GROUP LIFE)	
INSURANCE PROGRAM,)	
)	
Defendants.)	

ORDER

This civil action is before the Court on the Motion of United States to Dismiss. [Doc 10]. The motion seeks to dismiss all of Plaintiff's claims against the defendant, the United States Office of Personnel Management ("United States OPM"), due to a lack of subject matter jurisdiction. [See Doc. 11.] More specifically, the United States OPM contends that Plaintiff has failed to exhaust her administrative remedies under the Federal Tort Claims Act.

In her response, Plaintiff agrees that she has not yet exhausted her administrative remedies under the Federal Tort Claims Act. Plaintiff has no objection to dismissal without prejudice of her claims against the United States OPM. In the alternative, she seeks a stay of this case until she exhausts her administrative remedies under the Federal Tort Claims Act. [See Doc. 12.]

The United States OPM replies that the claims against it should be dismissed in light of the parties' agreement that subject matter jurisdiction is lacking. The United States OPM also contends that staying this action is improper because the Court has no jurisdiction to stay the case in the first place. [*See* Doc. 13.]

Additionally, the defendant, the United States OPM, noted in its supporting memorandum that the Federal Employees' Group Life Insurance ("FEGLI") Program is not an entity but a set of federal laws administered by the United States, so the claims against the FEGLI Program are properly addressed to the United States OPM. [*See* Doc. 11 at 2, n.1.] Plaintiff made no objection to this representation in her response. [*See* Doc. 12.] Thus, for purposes of the present motion to dismiss, the Court will consider Plaintiff's claims against the Federal Employees' Group Life Insurance Program as being against the United States OPM.

Accordingly, in light of the parties' agreement and due to the lack of subject matter jurisdiction, the Motion of United States to Dismiss [Doc. 10] is hereby **GRANTED**. The claims against the United States Office of Personnel Management and the Federal Employees' Group Life Insurance Program are hereby **DISMISSED without prejudice**. The Clerk is **DIRECTED** to close this case.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE